

Th 30th June, 1980

No. 11(112)-80-3 Lab/8293.—In pursuance of the provision of section 17 of Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Faridabad, in respect of the dispute between the workman and the management of M/s Foodimp Agency, Plot No. 100 Sector-6 Faridabad.

BEFORE SHRI M. C. BHARDWAJ PRESIDING OFFICER, INDUSTRIAL TRIBUNAL,  
HARYANA FARIDABAD

Reference No. 290 of 1979

*Between*

SHRI JOGINDER SINGH, WORKMAN AND THE MANAGEMENT OF M/S  
FOODIMP AGENCY, PLOT NO. 100, SECTOR-6, FARIDABAD

*Present :*

Shri C. L. Oberoi for the workman.

Shri R. N. Ral for the management.

#### AWARD

By order No. FD/57-79/41044, dated 18th September, 1979, the Governor of Haryana, referred the following dispute between the management of M/s Foodimp Agency, Plot No. 100, Sector-6, Faridabad and its workman Shri Joginder Singh, to this Tribunal, for adjudication, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 :

(3) Whether the termination of services of Shri Joginder Singh was justified and in order? If not, to what relief is he entitled?

2. On receipt of the order of reference, notices were issued to the parties. The parties appeared and filed their pleadings. On the pleadings of the parties, following issues were framed on 8th February, 1980.

1. Whether the workman raised the demand on the management properly?
2. If issue No. 1 is found against the workman, whether the reference is effected adversely?
3. Whether the claim statement is properly signed and verified by the workman? If not, to what effect?
4. Whether the workman has abandoned his job of his own? If so to what effect?
5. If issue No. 4 is not proved whether the termination of services of the workman concerned was justified and in order?

And the case was fixed for the evidence of the parties. The workman absented himself from the proceedings and the case was fixed for *ex-parte* evidence of the management. The management produced Sri Hari Chandi Singla Director as MW-1 who stated that the workman was appointed on 6th December, 1977 as time at monthly wage of Rs 300/-. He produced copy of his appointment letter copy Ex. M-1. He further stated that the workman absented himself from 23rd May, 1979 to 10th June, 1979 without any leave. He produced extracts from attendance register as Ex. M-2 and M-3. He also stated that the workman was issued letter copy Ex. M-4 calling him to join his duties but the workman did not report for duty. His name was struck off on 10th June, 1979. He stated that the service of the workman were never terminated. He left the job of his own. Relying on the *ex-parte* evidence of the management, I decide issue No. 4 in favour of the management and hold that the workman abandoned his job of his own.

*Issue No 5.*—This is a case of abandonment and not termination of services as decided in issue No. 4. This issue is decided against the workman.

*Issue No. 1.*—The workman did not lead any evidence. Therefore, this issue is decided against the workman.

*Issue No. 2.*—In the light of the decision of issue No. 1, this issue becomes redundant.

*Issue No 3.*—The management did not lead any evidence on this issue. Therefore, this issue is decided against the management.

While answering the reference, I give my award that the management did not terminate the services of the workman rather the workman abandoned his job of his own. The workman is not entitled to any relief.

Dated the 17th June, 1980.

M. C. BHARDWAJ,  
Presiding Officer, Industrial Tribunal,  
Haryana, Faridabad.

Endorsement No. 568, dated the 20th June, 1980.

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh as required under section 15 of the Industrial Disputes Act, 1947.

M. C. BHARDWAJ,  
Presiding Officer, Industrial Tribunal,  
Haryana, Faridabad.

The 4th July, 1980

No. 11(112)-80-3Lab/8343.—In pursuance of the provision of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Faridabad in respect of the dispute between the workman and the management of M/s New India Dyeing and Finishing Mills, 14/5, Mathura Road, Faridabad.

BEFORE SHRI I. P. CHAUDHARY, PRESIDING OFFICER, LABOUR COURT,  
HARYANA, FARIDABAD

Reference No. 150 of 180

*between*

SHRI MOHD. YUNUS WORKMAN AND THE MANAGEMENT OF M/S NEW INDIA  
DYEING AND FINISHING MILLS, 14/5 MATHURA ROAD, FARIDABAD

*Present :*

Shri Mohd. Yunus workman in person.

Shri K. B. Malik and Shri D. B. Bhardwaj for the Management.

#### AWARD

This reference No. 150 of 1980 has been referred to this Court by the Hon'ble Governor of Haryana,—vide his order No. ID/FD/185-79/11311, dated 3rd March, 1980 under section 10(1)(c) of the Industrial Disputes Act, 1947 for adjudication of the dispute existing between Shri Mohd. Yunus workman and the management of M/s New India Dyeing and Finishing Mills, 14/5, Mathura Road, Faridabad. The term of the reference was :—

Whether the termination of services of Shri Mohd. Yunus was justified and in order ? If not, to what relief is he entitled ?

After receiving this reference notices were issued to both the parties and both the parties appeared before this court through their authorised representatives.

To-day the case was fixed for rejoinder and framing of issues, when the management filed a copy of settlement dated 23rd May, 1980 which is Ex. M1. They have further stated that according to this settlement, the management had reinstated the workman Shri Mohd. Yunus with continuity of services and will pay two months wages for the period of unemployment. This settlement was duly agreed to by the workman on solemn affirmation. The workman further stated that he had been taken back on duty with his old service continuing by the management. He had also stated that now there was no dispute left with the management.

In these circumstances, I thus relying on the statement of both the parties hold that the demand raised by the workman against the management leading to this reference has been duly satisfied, because the management has already taken back on duty the workman. There is now no dispute remains to be adjudicated between the parties, therefore, I give my award accordingly. No order as to costs. So this award is in answer of this reference.

Dated the 18th June, 1980.

I. P. CHAUDHARY,  
Presiding Officer,  
Labour Court, Haryana,  
Faridabad.

Endorsement No. 1009, dated the 24th June, 1980

Forwarded (for copies) to the Secretary to Government of Haryana, Labour and Employment Departments, Chandigarh as required under section 15 of the Industrial Disputes Act, 1947.

I. P. CHAUDHARY,  
Presiding Officer,  
Labour Court, Haryana,  
Faridabad.

No. 11(112)-80-3Lab/8349.—In pursuance of the provision of section 17 of the Industrial Disputes Act, 1947 (Act. No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Faridabad in respect of the dispute between the workman and the management of M/s Mimec (India) Pvt. Ltd. (Garments Division) Sector 6, Faridabad.

BEFORE SARI I. P. CHAUDHRY, PRESIDING OFFICER, LABOUR, COURT, HARYANA  
FARIDABAD  
Reference No. 218 of 1980

between

SHRI SUNDER LAL, WORKMAN AND THE MANAGEMENT OF M/S. MIMEC  
(INDIA) PRIVATE LTD. (GARMENTS DIVISION), SECTOR 6, FARIDABAD

Present :

Workman with Shri Sunehari Lal.

Shri R. C. Sharma for the respondent management.

#### AWARD

This reference No. 218 of 1980 has been referred to this Court by the Hon'ble Governor of Haryana,—vide his order No. ID/FD/95/79/17488, dated 16th April, 1980, under section 10(1) (c) of the Industrial Disputes Act, 1947 for adjudication of dispute existing between Shri Sunder Lal, workman and the management of M/s. Mimec (India) Private Ltd. (Garments Division), Sector 6, Faridabad. The term of the reference was :—

“Whether the dismissal of Shri Sunder Lal was justified and in order? If not, to what relief is he entitled?”

After receiving the order of reference, notices were issued to both the parties. On 6th June, 1980 both the parties appeared and the workman filed the claim statement. Then the case was fixed for filing the written statement for 17th June, 1980. On that date of hearing the workman made a statement before this Court that he had settled his claim with the management. The management will pay to the workman 1½ months service compensation and notice pay as they had given to the other workers. The workman further stated that he forego his right of reinstatement/re-employment.

I thus relying on the statement of the workman, hold that the demand raised by the workman against the management leading to this reference has been duly satisfied. There is now no dispute remains to be adjudicated between the parties. Therefore, I give my award accordingly. No order as to costs. So this award is in answer to this reference.

Dated the 20th June, 1980.

I. P. CHAUDHRY,  
Presiding Officer,  
Labour Court, Haryana,  
Faridabad.

Endoresment No. 1002, dated the 23rd June, 1980.

Forwarded (four copies) to the Secretary to Government of Haryana, Labour and Employment Department, Chandigarh as required under Section 15 of the Industrial Disputes Act, 1947.

I. P. CHAUDHRY,  
Presiding Officer,  
Labour Court, Haryana,  
Faridabad.